

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FEDERAL TRADE COMMISSION,)	
STATE OF CALIFORNIA,)	
STATE OF COLORADO,)	
STATE OF ILLINOIS,)	
STATE OF INDIANA,)	
STATE OF IOWA,)	
STATE OF MINNESOTA,)	
STATE OF NEBRASKA,)	
STATE OF OREGON,)	
STATE OF TENNESSEE)	
STATE OF TEXAS,)	
STATE OF WASHINGTON,)	
and)	
STATE OF WISCONSIN,)	Case No. 1:22-cv-00828-TDS-JEP
)	
Plaintiffs,)	
)	
v.)	
)	
SYNGENTA CROP PROTECTION AG,)	
SYNGENTA CORPORATION,)	
SYNGENTA CROP PROTECTION, LLC,)	
and)	
CORTEVA, INC.,)	
)	
Defendants.)	
)	

**SYNGENTA’S NOTICE OF WITHDRAWAL OF RULE 44.1 NOTICE OF
INTENT TO RAISE ISSUE OF FOREIGN LAW AT HEARING ON
PLAINTIFFS’ MOTION TO COMPEL**

Defendants, Syngenta Crop Protection AG, Syngenta Corporation, and Syngenta Crop Protection, LLC (collectively, “Syngenta”), by and through counsel, hereby give notice of the withdrawal, without prejudice, of its Rule 44.1 Notice of Intent to Raise Issue of Foreign Law at Hearing on Plaintiffs’ Motion to Compel filed on August 12, 2024 (the “Notice”) [Dkt. 248]. In support of this withdrawal, Syngenta states as follows:

1. On August 12, 2024, Syngenta, pursuant to Rule 44.1 of the Federal Rules of Civil Procedure, filed notice of its intent to raise issue of foreign law at the August 15, 2024 hearing on Plaintiffs' Motion to Compel [Dkt. 248].

2. Shortly before the hearing, Plaintiffs moved to strike the Notice.

3. At the August 15 hearing on the motion to compel, 1) Plaintiffs extensively referenced David Rosenthal's Declaration and supporting exhibits attached to the Notice in advancing their own arguments regarding Swiss law, despite requesting those materials not be considered at the hearing; and 2) the Court held open resolution of the Swiss law issue related to the motion to compel pending further meet-and-confers between Plaintiffs and Syngenta, and the Court set a schedule for supplemental briefing on the Swiss law issue in the coming weeks.

4. Syngenta believes that, for the above reasons, Plaintiffs' Motion to Strike is moot. Syngenta therefore requested that Plaintiffs withdraw their moot motion in the interest of efficiency and judicial economy. Plaintiffs informed Syngenta that they would not withdraw their Motion to Strike.

5. Rather than file a response to the Motion and burden the Court with adjudicating the Motion as moot, Syngenta is instead now withdrawing the Notice and attachments, [Dkt. 248], and will file these again as appropriate should supplemental briefing on the issue proceed.

6. Plaintiffs have stated to Syngenta that with this withdrawal, they agree that Plaintiffs' Motion to Strike is moot. Plaintiffs have also agreed that this withdrawal by

Syngenta is without prejudice to Syngenta refiling the Notice and Declaration in support of further briefing on the Swiss law issue.

7. Thus, in the interest of judicial economy and on Plaintiffs' specific representation as to Syngenta's ability to resubmit Mr. Rosenthal's Declaration with supplemental briefing, Syngenta respectfully withdraws its August 12, 2024, Rule 44.1 Notice of Intent to Raise Issue of Foreign Law at Hearing on Plaintiffs' Motion to Compel. [Dkt. 248]. This withdrawal is without prejudice to the attached Declaration, exhibits, and foreign law issues raised therein being resubmitted with later briefing and proceedings.

Respectfully submitted, this 3rd day of September, 2024.

/s/ Patrick M. Kane

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